

1 James Alan Bush  
2 1745 De Marietta Avenue #3  
3 San Jose, CA 95126  
(408) 982-3272

4 Plaintiff in pro per

FILED

2008 MAY 16 P 30

5 RICHARD W. WIEKING  
6 CLERK  
7 U.S. DISTRICT COURT  
8 NO. DIST. OF CA. S.J.

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN JOSE DIVISION

12  
13 James Alan Bush, ) Case No.: C 08-01354 (RS) JF  
14 Petitioner, ) EXHIBIT B  
15 v. ) SUNNYVALE DEPARTMENT OF PUBLIC  
16 Crime Scene Investigator James ) SAFETY SUPPLEMENTAL REPORT 06-5149  
17 Anton, Officer Benjamin Holt, )  
Lieutenant Carl Rushmeyer, )  
Lieutenant Vierra, Officer Jon )  
18 Marines, Officer Christopher )  
Fontaine, Officer Michael (aka )  
19 "Mick") Rose, Officer Devon )  
Klein, and Sunnyvale Department )  
20 of Public Safety, )  
- and - )  
21 Long (aka "Kevin") Cao, Daniel )  
Napolitan, Daniel Cortez, )  
22 Laurene Weber, Robert Bradford )  
(aka "Malnburg, Jr."), Jonathan )  
23 Harrington, Josh Williams, )  
24 Respondents. )  
25  
26

**Incident Report****Sunnyvale Police Department****06-5149**Supplement No  
**ORIG**

Address  
700 All America Way  
City, State Zip Code  
SUNNYVALE, CA 94086

Reported Date  
**05/18/2006**

Nature of Call

**148 (A) (1)**

Officer

**HOLT, BENJAMIN**

Phone Number  
**(408) 730-7100**  
Fax Number  
**(408) 730-7705**

**Sunnyvale Public Safety**  
**CONTROLLED DOCUMENT**  
**NOT TO BE DUPLICATED**

**Administrative Information**

Agency <b>Sunnyvale Police Department</b>	Report No <b>06-5149</b>	Supplement No <b>ORIG</b>	Reported Date <b>05/18/2006</b>	Reported Time <b>03:49</b>	
Incident No <b>061380041</b>	Status <b>C CLEARED BY ARREST</b>	Nature of Call <b>148 (A) (1) PC OBSTRUCT/RESIST PUB OFCR</b>			
Location <b>1220 TASMAN DR #379</b>			City <b>SUNNYVALE</b>	Rep Dist <b>22 / / 2</b>	Area <b>2</b>
From Date <b>05/18/2006</b>	From Time <b>03:49</b>	Officer <b>14954/HOLT, BENJAMIN</b>	Assignment <b>PA6</b>	Entered by <b>14954</b>	Assignment <b>PA6</b>
RMS Transfer <b>Successful</b>	Approving Supervisor <b>13248/RUSHMEYER, CARL</b>	Approval Date <b>05/19/2006</b>	Approval Time <b>06:00:31</b>		
Complaint Requested <b>X</b>	Evidence <b>X</b>	Narrative <b>X</b>	Other Report <b>X</b>	Property Report <b>X</b>	
Arrest Tab <b>X</b>					

**Person Summary**

Inv# <b>ARR</b>	Inv# No <b>1</b>	Type <b>I</b>	Name <b>BRADFORD, ROBERT</b>	MNI	Race <b>W</b>	Sex <b>M</b>	Date of Birth
Inv# <b>VIC</b>	Inv# No <b>1</b>	Type <b>I</b>	Name	MNI	Race	Sex	Date of Birth

**Summary Narrative**

PLEO:

LT. Rushmeyer  
LT. Vierra  
CSI Anton  
PSO Marines  
PSO Fontaine  
PSO Rose  
PSO Klein

Scene Supervisor  
Scene Supervisor  
Fill Officer/ Evidence  
Fill Officer  
Fill Officer  
Fill Officer  
Fill Officer

No report  
No report  
Supplemental report  
Supplemental report  
No report  
No report  
No report

**Summary:**

On 5/18/06 at approximately 0349 hours, officers responded to 1220 Tasman #379 to conduct follow-up on associated CR # 06-5148. After making consensual entry into the house, (S) Robert Bradford (parolee at large) obstructed officers during their investigation. Bradford was arrested and subsequently transported to Santa Clara County Jail. **DEFENSE COPY** case is closed by arrest.

**Notice of Confidentiality**

Penal Code Section 1054.2

No attorney may disclose or permit to be disclosed to a defendant the address or telephone no. of a victim or witness unless specifically permitted by the court after a hearing and showing of good cause. Violation of PC1054.2 is a misdemeanor.

Report Officer  
**14954/HOLT, BENJAMIN**

Printed At  
**11/30/2006 13:16**

Page 1 of 5

0000000001

**Incident Report****06-5149**Supplement No  
ORIG**Sunnyvale Police Department****ARRESTEE 1: BRADFORD, ROBERT**

Involved	Inv No	Type	Name	MNI	Race	Sex
<b>ARRESTEE</b>	<b>1</b>	<b>Individual</b>	<b>BRADFORD, ROBERT</b>	[REDACTED]	<b>WHITE</b>	<b>MALE</b>
Date of Birth	Age	Juvenile?	Height	Weight	Hair Color	Eye Color
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Type	Address			City		State
<b>HOME</b>	[REDACTED]	[REDACTED]	[REDACTED]	<b>SUNNYVALE</b>	[REDACTED]	<b>CALIFORNIA</b>
Type	ID No			OLS		
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Mark Type				Mark Code		
<b>CHEST</b>	[REDACTED]	[REDACTED]	<b>- TATTOO</b>	<b>TATTOO</b>	[REDACTED]	[REDACTED]
Description						
"Santa Clara"						
Relationship	Name		Sex	Race		
<b>FRIEND</b>	<b>BUSH, JAMES</b>	[REDACTED]	<b>MALE</b>	<b>WHITE</b>	[REDACTED]	[REDACTED]
Involved	Arrest Type	Arrest Date	Arrest Time	Booking No	Book Date	Book Time
<b>ARRESTED</b>	<b>ARRESTED</b>	<b>05/18/2006</b>	<b>04:19:00</b>	<b>06-1466</b>	<b>05/18/2006</b>	<b>04:28:00</b>
Other Booking No	Status	Dispo	Arrest Location			
<b>06033564</b>	<b>BOOKED</b>	<b>FELONY</b>	<b>1220 TASMAN DR #379</b>			
City	Rep Dist	Beat	Fingerprint Taken?	Mug?		
<b>SUNNYVALE</b>	<b>22</b>	<b>/</b>	<b>22</b>	<b>Yes</b>		
Charge		Level	Charge Literal		Warrant No	
<b>OUT/WA/F</b>	[REDACTED]	<b>F</b>	<b>OUTSIDE WARRANT FELO</b>	[REDACTED]	<b>2051249638</b>	[REDACTED]
Charge		Level	Charge Literal			
<b>PC148 (A) (1)</b>	[REDACTED]	<b>M</b>	<b>RESISTING POLICE OFF</b>	[REDACTED]	[REDACTED]	[REDACTED]

**VICTIM (Person) 1: STATE OF CALIFORNIA**

Involved	Inv No	Type	Name	MNI
<b>VICTIM (Person)</b>	<b>1</b>	<b>Individual</b>	<b>STATE OF CALIFORNIA</b>	<b>655580</b>

**Narrative**Investigation:

On 5/18/06 at approximately 0349 hours, I responded to 1220 Tasman #379 to conduct follow-up on CR # 06-5148.

Earlier on 5/18/06 at approximately 0213 hours, LT. Rushmeyer initiated a subject stop on Laurene Reber (DOB 12/15/1977) in the area of Tasman and Lawrence. Reber was loitering in a commercial business district with no explanation for being in the area. She was subsequently arrested for a violation of 11550 (a) HS- Under the Influence of a Controlled Substance. During the incident, Reber advised LT. Rushmeyer she was in the area with her boyfriend, Danny (unknown last name) prior to being contacted by police. Reber said Danny lived in a mobile home inside the Adobe Wells Mobile Home Park near unit #370. Reber requested we contact Danny at the unknown mobile home unit and verify the information she provided.

I recognized "Danny" as being the first name of a subject I had a prior contact with at 1220 Tasman #379 (Daniel Nabolitan DOB [REDACTED]). I recognized 1220 Tasman #379 as being associated with prior drug related incidents and arrests.

A wants/warrants check indicated Nabolitan had two misdemeanor warrants for his arrest.

Upon my arrival at 1220 Tasman #379, all the lights were on inside the mobile home [REDACTED] someone was awake inside the unit. CSI Anton was on scene as my fill officer.

I initiated a "Knock and Talk" by knocking on the west side door several times without an

Report Officer <b>14954/HOLT, BENJAMIN</b>	Printed At <b>11/30/2006 13:16</b>	<b>Page 2 of 5</b>
---	---------------------------------------	--------------------

0000000002

# Incident Report

## Sunnyvale Police Department

06-5149

Supplement No  
ORIG

### Narrative

answer. CSI Anton and I began to walk away from the mobile home unit, after not receiving an answer at the door. As we were walking away we observed a vehicle pull up in front of the mobile home. CSI Anton immediately recognized the passenger inside the vehicle as the owner of the mobile home, James Bush. Bush advised CSI Anton, Daniel "Danny" Nabolitan was possibly inside his residence despite not being welcome. Bush provided CSI Anton with the keys to his mobile home and he requested we enter his residence and remove Nabolitan from the property. Bush advised CSI Anton there was an additional male subject named "Robert" inside the home (refer to CSI Anton's report for further details).

CSI Anton used the key to unlock the west side door. We entered the mobile home through the door and entered the laundry room. As we walked through the laundry room and entered the main hallway, we observed a male subject standing inside the open southeast bedroom doorway, approximately 10' feet away from us. The subject was wearing a black leather jacket and a black leather glove on his left hand; the subject's right hand was raised to chest level and concealed behind the doorway. It appeared the subject was clenching an unknown item behind the doorway. CSI Anton ordered the subject to show us his right hand. The subject became belligerent and uncooperative. The subject bent his knees and bladed his stance. The subject also clenched his left fist and raised it upwards in an aggressive manner. Based on my training and experience, the subject was positioned in a fighting stance. Based on my training and experience, hostile subjects who refuse to display their hand(s), are often in possession of a weapon. CSI Anton raised his voice and ordered the subject again to show us his right hand. The subject refused and he continued to ignore our orders. CSI Anton and I drew our handguns and placed the subject at gunpoint. CSI Anton ordered the subject several more times to remove his hand from behind the doorway, and the subject subsequently refused.

I requested code three fill officers respond to our location to assist.

During the incident, the subject yelled something similar to, I don't care if I die. Based on my training and experience, suicidal subjects often attack police officers with weapons in an effort to provoke the officers into using deadly force against them.

CSI Anton and I ordered the subject several more times to remove his right hand from behind the doorway. After ignoring several orders, the subject eventually lowered his right arm down towards the floor; his right hand was still concealed behind the doorway. I then heard the sound of an object dropping onto the floor. The subject then removed his right hand from behind the door.

The subject was ordered to get down onto his knees and face away from us. The subject ignored several orders before eventually complying. He was then ordered to crawl back to my new location in the front room at the north end of the hallway. The subject was subsequently ordered into a prone position and handcuffed. I checked his handcuffs for tightness and I double locked them.

The subject identified himself as (S) Robert Bradford [REDACTED]. A wants/warrants check indicated he was a parolee at large with a felony warrant for his arrest (warrant # [REDACTED]).

A consensual search of the residence for Daniel Nabolitan produced negative results.

Report Officer <b>14954/HOLT, BENJAMIN</b>	Printed At <b>11/30/2006 13:16</b>	<b>Page 3 of 5</b>
---	---------------------------------------	--------------------

000000003

**Incident Report**  
**Sunnyvale Police Department**

**06-5149**Supplement No  
ORIG**Narrative**

An inspection of the area behind the doorway resulted in a 12' kitchen knife on the floor. There were no other items within approximately 3' feet of the knife behind the doorway.

I placed Bradford under arrest for the warrant and the above listed charge. I placed Bradford in the back seat of my patrol car and I transported him to Sunnyvale DPS HQ for booking.

PSO Marines placed James Bush under arrest for a violation of 11550 HS- Under the Influence of a Controlled Substance (refer to PSO Marines' supplemental report for further details).

While at Sunnyvale DPS HQ, I mirandized Bradford from my Sunnyvale DPS Miranda form (PS-323). Bradford stated he understood his rights and he provided me with the following paraphrased statement:

**Statement of (S) Robert Bradford:**

I asked Bradford why he was concealing the knife behind the doorway. He replied by telling me he did not have a knife concealed behind the doorway. I advised Bradford I did not think he was telling me the truth. Bradford replied by changing his original statement, and he told me he had the knife because he feared the police were working for an enemy who was out to get him.

I asked Bradford if he was planning on attacking officers with the knife during the incident. He replied by saying, No. Bradford advised me he ignored our orders because he was considering cutting himself with the knife.

**Evidence:**

License Medical Technologist Espinosa responded to Sunnyvale DPS HQ and obtained a blood sample from Bradford (refer to attached form).

CSI Anton recovered the knife from the scene and booked it into evidence at Sunnyvale DPS HQ (refer to CSI Anton's supplemental report).

**Investigation Continued:**

An inspection of Bradford's left arm indicated he had several minor self-inflicted cuts (as a result of a prior incident.) Bradford was placed on a 5150 WI 72-hour hold (refer to attached form).

A message was left with Bradford's parole agent (Agent Greg Strieff 408-629-5980), advising him of the arrest.

This report will be forwarded to the Santa Clara County District Attorney's Office for review and complaint against Bradford for the above listed charge.

**Case Status:**

Closed by arrest.

Report Officer <b>14954/HOLT, BENJAMIN</b>	Printed At <b>11/30/2006 13:16</b>	Page 4 of 5
---	---------------------------------------	-------------

000000004

**Incident Report  
Sunnyvale Police Department  
Narrative**

**06-5149**

Supplement No  
**ORIG**

Report Officer <b>14954/HOLT, BENJAMIN</b>	Printed At <b>11/30/2006 13:16</b>	<b>Page 5 of 5</b>
---	---------------------------------------	--------------------

00000005